

UNITED STATES DISTRICT COURT

for the
District of New MexicoIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)511 Big Rock Road
Jemez Pueblo, NM 87024

Case No. 23-MR-2350

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A

located in the _____ District of New Mexico, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☐ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. § 111(a)

Assault upon a federal officer involving physical contact

The application is based on these facts:
See attached affidavit

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Molly Schommer, FBI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
_____ telephone _____ (specify reliable electronic means).

Date: 12/20/2023

City and state: Albuquerque, New Mexico

Judge's signature

Steven C. Yarbrough, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF:
511 BIG ROCK ROAD
JEMEZ PUEBLO, NM 87024

Case No. _____

AFFIDAVIT IN SUPPORT OF
APPLICATION UNDER RULE 41 FOR A SEARCH WARRANT

I, Molly Schommer, Special Agent of the Federal Bureau of Investigation (“FBI”), United States Department of Justice, having been duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises located at **511 Big Rock Road, Jemez Pueblo, New Mexico 87024**, hereinafter referred to as “Subject Premises,” further described in Attachment A, for FBI fugitive Dylon Scott SANDIA, Year of Birth (“YOB”) 1991, and for the things described in Attachment B.

AFFIANT’S RELEVANT TRAINING AND EXPERIENCE

2. I am a Special Agent with the FBI and have been so employed since April of 2021. As such, I am a federal law enforcement officer within the meaning of Rule 41 of the Federal Rules of Criminal Procedure. I am currently assigned to the Violent Crime Task Force (“VCTF”) at the FBI Albuquerque Field Office. I primarily investigate Indian Country cases, such as homicide and sexual assault. I have also assisted with the investigation of gang-criminal enterprises and Drug Trafficking Organizations (“DTOs”) involved in the unlawful possession of firearms, distribution of controlled substances, racketeering activities, and conspiracies associated with these offenses. I have received on the job training from other experienced agents, detectives, and correctional officers in the investigation of criminal actors and criminal enterprises. My investigative training

and experience includes, but is not limited to, the FBI Training Academy at Quantico, Virginia; interviewing subjects, targets, and witnesses; writing affidavits for, and executing search and arrest warrants; collecting evidence; conducting surveillance; and analyzing public records. Additionally, I received advanced training and instruction from the United States Indian Police Academy related to Indian Country offenses and the Department of Justice National Indian Country Training Initiative regarding investigating and prosecuting federal sexual assault cases. Before becoming an FBI agent, I was a criminal prosecutor for two years. Through my training and experience both as an FBI Special Agent and city and county prosecutor, I am familiar with techniques used by criminal actors, DTOs, gangs, and criminal enterprises.

3. I make this affidavit based upon my own personal knowledge, which is substantially derived from my participation in the investigation, as well as that of fellow agents and officers who have participated in the investigation. In addition, I have developed information I believe to be reliable from additional sources including but not limited to:

- a. Results of physical observations;
- b. Records from the New Mexico Motor Vehicle Department; and
- c. Records from the National Crime Information Center ("NCIC").

4. This affidavit does not set forth all of my knowledge nor summarize all of the investigative efforts in this investigation. Because this affidavit is submitted for the limited purpose of securing a search warrant, I have set forth only those facts I believe are necessary to establish probable cause to search the Subject Premises.

5. I am the lead case agent who has been assigned to this investigation. For this reason, I am familiar with SANDIA's criminal history and the circumstances related to the underlying investigation. This affidavit seeks a search warrant to allow the FBI to enter the Subject Premises

located in Jemez Pueblo, New Mexico, to search for and arrest SANDIA, who is currently wanted by the FBI Albuquerque Field Office for assault upon a federal officer involving physical contact. This affidavit further seeks permission to conduct a limited search of the premises for evidence that may document, record, or depict SANDIA's current whereabouts in the event that he is not at the Subject Premises when the arrest warrant is executed. Based on the information provided below, there is probable cause to believe that SANDIA and/or evidence of his whereabouts may be located at the Subject Premises.

FACTS AND CIRCUMSTANCES ESTABLISHING PROBABLE CAUSE

6. The VCTF is currently investigating SANDIA for a violation of 18 U.S.C. § 111(a), that being assault upon a federal officer involving physical contact. On November 21, 2023, SANDIA was indicted by the Grand Jury in the United States District Court for the District of New Mexico and charged with a violation of 18 U.S.C. § 111(a). SANDIA is currently wanted on a U.S. District Court arrest warrant related to this offense. The FBI is in possession of the arrest warrant, bearing U.S. District Court Case No. CR 23-1715 MV.

7. Therefore, SANDIA is a "person to be arrested" within the meaning of Federal Rule of Criminal Procedure 41(c)(4). *See* Rule 41 advisory committee's note to 1979 Amendments authorizing "issuance of a search warrant to search for a person...for whom an arrest warrant has theretofore issued."

8. The incident that led to SANDIA'S indictment and the arrest warrant for SANDIA took place in the early morning hours of May 29, 2023, outside of the Subject Premises. The victim officer in this incident reported that the incident took place outside of SANDIA'S residence. The Jemez Pueblo Police Department report documenting the incident also listed the location of the incident as the Subject Premises.

9. On June 30, 2023, FBI Agents interviewed SANDIA outside of the Subject Premises. Immediately before that interview, I observed SANDIA come out from inside the Subject Premises.

10. On November 27, 2023, I spoke with the victim officer who informed it had been a while since he last saw SANDIA, but he believed SANDIA still lived at the Subject Premises. The victim officer also informed that SANDIA would go back and forth to his dad's residence, which is also on the Jemez Pueblo.

11. On November 28, 2023, I spoke with Pueblo of Jemez Police Department ("JPD") Officers who indicated SANDIA frequently walks through the arroyo near the Subject Premises between 7:00 a.m. and 7:30 a.m. JPD Officers further informed that before 7:00 a.m., SANDIA would likely be at the Subject Premises. Additionally, JPD Officers also informed about another residence belonging to SANDIA'S family, which is near a bus stop that SANDIA sometimes comes to catch the bus.

12. Additionally, based on my review of NCIC records, I am aware that SANDIA'S New Mexico driver's license reflects the Subject Premises as his address. SANDIA'S driver's license was issued on January 16, 2020, and expires on January 15, 2024. However, SANDIA'S driver's license is listed as revoked.

13. Based on the foregoing information and observations, I believe SANDIA is currently residing at the Subject Premises. In my training and experience, I know that individuals wanted on an arrest warrant may hide in areas of their residence to which they have ready access, including outbuildings, trash cans, storage areas, yards, and in vehicles located at their residence. FBI Special Agents will attempt to arrest SANDIA at the Subject Premises.

14. In my training and experience, I also know that individuals wanted on an arrest warrant often hide in places other than their primary residence. My training and experience indicate persons often leave evidence of their daily schedules, activities, travel patterns, appointments, planned outings, meetings, and social or business interactions in the normal course of living within their premises. Furthermore, personal calendars, appointment books, telephone books, address books, notes, notebooks, mail, photographs, credit card receipts and statements, bank receipts and statements, telephone statements, hotel or motel receipts, room keys, business cards, travel itinerary, restaurant receipts, airplane tickets and/or other notations pertaining to the subject's current location may aid agents in locating and arresting SANDIA.

AUTHORIZATION REQUEST

15. Based on the foregoing, I request that the Court issue the proposed search warrant, pursuant to Federal Rule of Criminal Procedure 41, to authorize investigators to search the Subject Premises described within the District of New Mexico for SANDIA and for items described in Attachment B, within 14 days of the issuance of the proposed warrant.

CONCLUSION

16. Based on the aforementioned information, I submit probable cause exists to search the Subject Premises, further described in Attachment A, for SANDIA or evidence of his current whereabouts, further identified and described in Attachment B.

17. This affidavit was reviewed and approved by Assistant United States Attorney Meg Tomlinson.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Molly Schommer", written over a horizontal line.

Molly Schommer
Special Agent
Federal Bureau of Investigation

ELECTRONICALLY SUBMITTED AND TELEPHONICALLY SWORN TO BEFORE ME ON
DECEMBER 20, 2023.

A handwritten signature in black ink, appearing to read "Steve Yarbrough", written over a horizontal line.

HONORABLE STEVEN C. YARBROUGH
UNITED STATES MAGISTRATE JUDGE
DISTRICT OF NEW MEXICO

ATTACHMENT A

Premises to Be Searched

The property and vehicles depicted in the photographs below and located at the Subject Premises, 511 Big Rock Road, Jemez Pueblo, NM 87024. The Subject Premises may be described as a single-story residence with gray colored siding and white trim. The front door and back door are white in color. The numbers 511 are posted on the south side wall to the left of the front entrance. The search of the Subject Premises shall include the entire residence and all outbuildings, trash cans, storage containers, and vehicles parked at or in front of the Subject Premises.



Front of the Subject Premises.



Back of the Subject Premises.

ATTACHMENT B

Items to Be Seized

1. The person of Dylan Scott SANDIA, YOB 1991, depicted in the photograph below, consistent with the outstanding arrest warrant in U.S. District Court Case No. CR 23-1715 MV.



2. If Sandia is not at the Subject Premises, items that may document, record, or depict SANDIA'S current whereabouts, such as personal calendars, appointment books, telephone books, address books, notes, notebooks, mail, photographs, credit card receipts and statements, bank receipts and statements, telephone statements, hotel or motel receipts, room keys, business cards, travel itinerary, restaurant receipts, airplane tickets and/or other notations pertaining to the subject's current location.